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Importance: High

The New York Times

<https://www.nytimes.com/2020/05/14/climate/trump-drinking-water-perchlorate.html>

E.P.A. Opts Against Limits on Water Contaminant Tied to Fetal Damage

A new E.P.A. policy on perchlorate, which is used in rocket fuel, would revoke a 2011 finding that the chemical should be regulated.

By Lisa Friedman

May 14, 2020

The Trump administration will not impose any limits on perchlorate, a toxic chemical compound that contaminates water and has been linked to fetal and infant brain damage, according to two Environmental Protection Agency staff members familiar with the decision.

The decision by Andrew Wheeler, the administrator of the E.P.A., appears to defy a court order that required the agency to establish a safe drinking-water standard for the chemical by the end of June. The policy, which acknowledges that exposure to high levels of perchlorate can cause I.Q. damage but opts nevertheless not to limit it, could also set a precedent for the regulation of other chemicals, people familiar with the matter said.

The chemical — which is used in rocket fuel, among other applications — has been under study for more than a decade, but because contamination is widespread, regulations have been difficult.

In 2011, the Obama administration announced that it planned to regulate perchlorate for the first time, reversing a decision by the George W. Bush administration not to control it. But the Defense Department and military contractors such as Lockheed Martin and Northrop Grumman have waged aggressive efforts to block controls, and the fight has dragged on.

According to the staff members, who asked not to be identified because they were not authorized to speak about agency decisions, the E.P.A. intends in the coming days to send a federal register notice to the White House for review that will declare it is “not in the public interest” to regulate the chemical.

Andrea Woods, a spokeswoman for the E.P.A., said in a statement that the agency had not yet made a final decision on perchlorate. “Any information that is shared or reported now would be premature, inappropriate and would be prejudging the formal rulemaking process,” she said.

Ms. Woods said the final rule would be sent to the Office of Management and Budget for interagency review, adding “the agency expects to complete this step shortly.” She did not answer questions about the court order.

Perchlorate can occur naturally, but high concentrations have been found in at least 26 states, often near military installations where it has been used as an additive in rocket fuel, making propellants more reliable. Research has shown that by interfering with the thyroid gland’s iodine uptake, perchlorate can stunt the production of hormones essential to the development of fetuses, infants and children.

The new policy will revoke the 2011 E.P.A. finding that perchlorate presents serious health risks to between 5 million and 16 million people and should be regulated. To justify doing so, the Trump administration will cite more recent analyses claiming concentrations of the chemical in water must be at higher levels than previously thought in order to be considered unsafe.

In addition, because states like California and Massachusetts regulated the chemical in the absence of federal action, the E.P.A. will say few public water systems now contain perchlorate at high levels, so the costs of nationwide monitoring would outweigh the benefits, the people who have viewed the rule said.

“The agency has determined that perchlorate does not occur with a frequency and at levels of public health concern, and that regulation of perchlorate does not present a meaningful opportunity for health risk reduction for persons served by public water systems,” the draft policy reads, according to the staff members.

In public comments, the Perchlorate Study Group, a coalition made up of aerospace contractors including Aerojet Rocketdyne, American Pacific Corporation, Lockheed Martin, and Northrop Grumman Innovation Systems, had strongly urged the E.P.A. to withdraw its 2011 determination because “perchlorate does not occur with a frequency and at levels of public health concern” in public water systems.

The decision is the latest in a string of Trump administration regulatory actions that weaken toxic chemical regulations, often against the advice of E.P.A.’s own experts, in ways favored by the chemical industry.

Last year the administration announced it would not ban chlorpyrifos, a widely used pesticide that its own experts linked to serious health problems in children. It also opted to restrict, rather than ban, asbestos, a known carcinogen, despite urging by E.P.A. scientists and lawyers to ban it outright like most other industrialized nations.

“This is all of a piece,” said Rena Steinzor, a law professor at the University of Maryland. “You can draw a line between denial of science on climate change, denial of science on coronavirus, and denial of science in the drinking water context. It’s all the same issue. They’re saying ‘We don’t care what the research says.’”

The regulation of perchlorate has been a political football since the 1990s when testing found the presence of the chemical in hundreds of wells.

In 2008, the Bush administration said it would not set limits on the chemical. One year later, the Obama administration moved to reverse course. It issued a recommendation to states that 15 micrograms per liter is the highest concentration of perchlorate in water that the most sensitive populations, like pregnant women, should ingest.

In 2011, the Obama administration issued an official finding that worrisome levels of perchlorate had been detected in enough public water systems to warrant regulation, and the E.P.A. announced the agency’s intention to set limits.

The Obama administration dragged its feet, though, and the Natural Resources Defense Council, an environmental group, sued. Moving ahead with regulation ultimately fell to the Trump administration and, in 2018, the E.P.A. agreed to a court settlement requiring a final standard on perchlorate. The court granted the administration extensions, and a final standard must be issued by June.

Last year the E.P.A. did propose federal regulation of perchlorate but it suggested a limit of 56 micrograms per liter, more than three times higher than what the E.P.A. had previously determined to be safe.

It also asked for comments from the public on an even higher threshold of 90 micrograms per liter, as well as whether to abandon plans for regulations altogether.

The final rule described by the staff members shows that the administration chose the most extreme option.

In doing so, the policy notes that the idea of setting a limit for 56 micrograms per liter was based on studies showing that it could avoid an average I.Q. loss of two points among babies of iodine-deficient pregnant women.

Even an exposure of 18 micrograms per liter, slightly above the current federal recommendation, would amount to an average I.Q. loss of one point. Critics of the policy said the E.P.A. was implicitly accepting that those health outcomes are not considered adverse health effects, and that the decision could affect the future regulation of other chemicals.

“Not only is E.P.A. acting in defiance of a court order and the law, it’s setting a terrible precedent by ignoring much of the science and allowing such a high level of perchlorate in tap water that it acknowledges is associated with an average 2-point I.Q. loss in exposed kids,” said Erik Olson, senior strategic director of health and food at the Natural Resources Defense Council.

Ms. Woods, the E.P.A. spokeswoman, declined to respond to a question about I.Q. damage from perchlorate.

Chemical industry representatives did not respond immediately to a request to discuss the E.P.A. policy. But in public comments to the agency, they, along with some state water districts and military contractors, urged the E.P.A. to not regulate perchlorate.

The Washington Post

<https://www.washingtonpost.com/climate-environment/2020/05/14/epa-decides-against-limits-drinking-water-pollutant-linked-health-effects/>

EPA decides against limits on drinking water pollutant linked to health risks, especially in children

‘It’s a bad precedent on so many levels,’ says one environmental activist

By Brady Dennis and Juliet Eilperin

The Environmental Protection Agency has decided not to limit perchlorate, a chemical that has long been detected in the drinking water of many Americans and linked to potential brain damage in fetuses and newborns and thyroid problems in adults, according to two agency officials briefed on the matter.

They spoke on the condition of anonymity because the decision hasn’t been announced.

The move, which comes despite the fact that the EPA faces a court order to establish a national standard for the chemical compound by the end of June, marks the latest shift in a long-running fight over whether to curb the chemical used in rocket fuel.

Under President Barack Obama, the EPA had announced in 2011 that it planned to set the first enforceable limits on perchlorate because of its potential health impacts. Both the Defense Department and military manufacturers have long resisted any restrictions on the chemical, which is also used in fireworks, munitions and other ignition devices. It naturally occurs in some areas, such as parts of the Southwest.

In an email Thursday, EPA spokeswoman Corry Schiermeyer said the agency “has not yet made a final decision” on whether to limit perchlorate in drinking water. “The next step in the process is to send the final action to the Office of Management and Budget for interagency review,” she said. “The agency expects to complete this step shortly.”

The New York Times first reported the agency’s decision.

The EPA also issued a news release Thursday in which Administrator Andrew Wheeler hailed the fact that levels of perchlorate exposure have declined since 2011. Though no federal standards regulating perchlorate levels in drinking water exist, some states have already acted to reduce the amounts in their drinking water systems. California and Massachusetts, for example, have set limits for perchlorate at levels far lower than what the EPA had previously proposed.

“Because of steps that EPA, states and public water systems have taken to identify, monitor and mitigate perchlorate, the levels have decreased in drinking water,” Wheeler said. “This success demonstrates that EPA and states are working together to lead the world in providing safe drinking water to all Americans.”

Environmental advocates were quick to criticize the EPA, saying the failure to institute a national limit on perchlorate in drinking water will leave many Americans vulnerable to potentially harmful health effects.

“It’s a real slap in the face of science, as well as to the court order and the law,” Erik Olson, a water expert at the Natural Resources Defense Council, said in an interview. “It’s a bad precedent on so many levels.”

In a separate blog post on Thursday, Olson said failing to regulate the compound would amount to “a deeply disturbing violation of the agency’s mission.”

Some groups, however, have urged the EPA not to set a federal threshold for perchlorate, saying existing evidence does not warrant it. For instance, in comments last year, both the American Chemistry Council and the American Water Works Association recommended that the EPA withdraw the 2011 determination to impose a national standard.

G. Tracy Mehan III, executive director of government affairs for the water works association, wrote that regulating perchlorate would not present a “meaningful opportunity” to reduce health risks, and that the benefits of such regulation would not justify the costs. “If EPA proceeds,” Mehan wrote, “it will set a troubling precedent and undermine the scientific credibility of the Agency’s regulatory process under the Safe Drinking Water Act.”

Last summer, the EPA sought input on a range of possible limits it was considering on perchlorate in drinking water. The one the agency appeared to favor at the time was a standard of 56 parts per billion — a threshold that public health officials called far too weak, and one that was several times more lenient than the EPA itself had set in a 2009 health advisory.

Even as it sought input on possible regulation last summer, the EPA left open the possibility that it would walk away from the matter, particularly if it determined that the chemical did not occur at levels deemed to present a serious public health risk.

Some health experts pleaded with the agency not to take that approach, including Kyle Yasuda, then-president of the American Academy of Pediatrics. In a letter to the EPA, Yasuda in August urged the agency to adopt the strongest possible curbs on the chemical, based on the “well-established harms of perchlorate ingestion for children.”

“AAP is particularly concerned that EPA is considering withdrawing its 2011 determination to regulate perchlorate, relinquishing national oversight over a chemical with well-established health risks in drinking water,” Yasuda wrote. “This would set a precedent inconsistent with EPA’s stated mission to protect public health.”

Though the EPA has set legal limits on more than 90 contaminants in drinking water, including lead, arsenic and mercury, a far broader universe of “emerging contaminants” remains unregulated.

The agency has long kept tabs on scores of substances that have surfaced in water systems around the country, with the aim of restricting those that endanger public health. But partly because the rules the agency must follow are complicated and contentious, officials have yet to limit any new contaminant for decades.

Perchlorate is the only chemical to come close to regulation since the 1990s. Time and again, regulators have backed away.

The last time came on a Friday in 2008, when the Bush administration formally declined to set a drinking-water safety standard for perchlorate. With little fanfare, the agency issued a news release saying it had “conducted extensive review of scientific data related to the health effects of exposure to perchlorate from drinking water and other sources and found that in more than 99 percent of public drinking water systems, perchlorate was not at levels of public health concern.”

In that instance, according to documents obtained by The Washington Post at the time, White House officials heavily edited the scientific findings in the EPA’s rulemaking documentation.